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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(CRL) 2016/2017

SANSAR SINGH & ORS Petitioners

Through: Mr.R.S.Malik, Adv.

versus

STATE & ORS Respondents

Through: Mr.Sanjay Lao, ASC.
Mr.Rishi Pal Singh, Adv. for R-2.
SI Sandeep, P.S.South Rohini.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **18.07.2017**

CrI.M.A.11234/2017

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(CRL) 2016/2017 & CrI.M.A.11233/2017

The petitioners seek quashing of FIR No.829/2014 dated 13.10.2014 (P.S.South Rohini) instituted for the offences under Sections 323/325/506/509/160 and 34 of the IPC read with Section 3(x)(xi) of the SC/ST (Prevention of Atrocities) Act, 1989.

The petitioners have drawn the attention of this Court to the contents of the FIR which discloses that there was some dispute over conducting of cleanliness campaign on the day of the occurrence. It appears that two opposing groups had assembled at a place where cleaning was to be done and the supporters of the two groups fought amongst themselves. However,

apart from the allegation that one of the accused persons and her supporters took the caste name of respondent No.2, there is no other allegation which could make out a case under any one of the sections of the IPC.

The petitioners as well as respondent No.2 have, in unison, stated before this Court that though such an allegation was levelled in the FIR immediately after the occurrence but that was more out of an effort to take control of the campaign of cleanliness between the two political parties.

A case lodged against the respondent Nos.2 and 3 at the instance of an Inspector with the MCD with almost similar allegation except under the SC/ST (Prevention of Atrocities) Act, 1989 has been quashed by this Court today.

The parties are present in Court and have been identified by their respective counsels.

It is evident from the allegations levelled in the FIR that the accusation with respect to SC/ST (Prevention of Atrocities) Act, 1989 was more in the nature of an outburst at the time when there was some dispute with regard to the control of the campaign for cleaning which was propagated on an all India basis.

After investigation, chargesheet has been submitted. Nonetheless, this Court is of view that continuance of present criminal proceeding would only disturb the peace and tranquillity in the local area.

Taking into account the aforesaid facts namely the settlement of disputes and the occurrence arising out of some dispute which has nexus/bearing with the allegations levelled in the FIR, this Court is inclined to quash the subject FIR.

In *Gian Singh vs. State of Punjab & Another*, (2012) 10 SCC 303, the Supreme Court has held that cases which are not compoundable under Section 320 of the Cr.P.C. could also be quashed, when continuation of any criminal proceeding would be an exercise in futility and where justice demands that the dispute between the parties should be put to an end and peace is restored. But ending of such criminal proceedings could only be ordered for securing the ends of justice.

The Supreme Court has further observed in *Gian Singh vs. State of Punjab & Another* (Supra):

“58..... No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the court. In respect of serious offences like murder, rape, dacoity, etc., or other offences of mental depravity under IPC or offences of moral turpitude under special statutes, like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between the offender and the victim can have no legal sanction at all. However, certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to the victim and the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being

convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated. The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard-and-fast category can be prescribed.”

[Refer to B.S. Joshi, (2003) 4 SCC 675; Nikhil Merchant, (2008) 9 SCC 677 and Manoj Sharma, (2008) 16 SCC 1.]

Considering the aforesaid facts, the FIR No.829/2014 dated 13.10.2014 (P.S.South Rohini) instituted for the offences under Sections 323/325/506/509/160 and 34 of the IPC read with Section 3(x)(xi) of the SC/ST (Prevention of Atrocities) Act, 1989 and all other attendant proceedings are quashed.

The petition is disposed of in terms of the above.

ASHUTOSH KUMAR, J

JULY 18, 2017

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